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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/938,000 | 09/27/2001 | Peter-Roger Nyssen | Mo-6631/LeA 33,423 | 8890 |

34947 7590 04/16/2004

BAYER CHEMICALS CORPORATION
PATENT DEPARTMENT
100 BAYER ROAD
PITTSBURGH, PA 15205-9741

EXAMINER

GREEN, ANTHONY J

ART UNIT PAPER NUMBER

1755

DATE MAILED: 04/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-compliant Amendment

1. The amendment filed on 01 December 2003 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see *68 Fed. Reg. 38611*, June 30, 2003). In order for the amendment to be compliant, correction of the following is required. **Only the section (1.121(h)) of the amendment containing the omission of non-compliant provision must be resubmitted (in its entirety), e.g. the entire "Claim listing" section of applicant's amendment must be re-submitted.**
2. The following item causes the amendment to be non-compliant:
 - Applicant has not amended the claims properly as a complete listing of all the claims along with their status is not present. Note that claims 1-9 which were previously canceled are not present in the claim listing and identified as "(canceled)".
 - The status identifiers for the claims are incorrect. Applicant uses the phrase "(presently amended)" instead of "(currently amended)" for claims 12-13, 15-18 and 20-21; claim 14 which is "(currently amended)" is not labeled as such; and claim 19 which was "(previously presented)" is not labeled as such.
3. Since the non-compliant amendment is a reply to a NON -FINAL OFFICE ACTION, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135 (c)), applicant is given a time period of **ONE (1) MONTH** from the mailing date of this notice within which to re-submit the corrected section which complies with

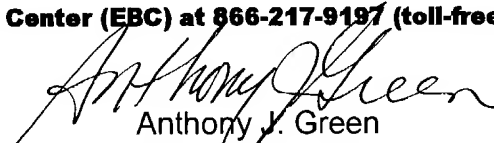
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37 CFR 1,121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Green whose telephone number is 571-272-1367. The examiner can normally be reached on Monday-Thursday 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on 571-272-1362. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anthony J. Green
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Art Unit 1755

ajg
December 18, 2004